

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 agriculture.
- 4 Page 2, line 32, delete "servicing" and insert "**marketing**".
- 5 Page 3, delete lines 17 through 38.
- 6 Page 4, between lines 25 and 26, begin a new paragraph and insert:
- 7 "SECTION 9. IC 15-4-10-15 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. **(a)** When
- 9 necessary, the council may appoint individuals who hold offices of
- 10 importance to the corn industry or have special expertise concerning
- 11 that industry to participate in the work of the council. ~~but these~~
- 12 ~~individuals~~
- 13 **(b) At least one (1) individual appointed under this section must**
- 14 **represent first purchasers.**
- 15 **(c) An individual appointed under this section:**
- 16 **(1) may not participate in votes taken by the council; and**
- 17 **(2) is eligible for reimbursement for traveling expenses and**
- 18 **other expenses actually incurred in connection with the**
- 19 **individual's duties as allowed under section 12(d) of this**
- 20 **chapter."**
- 21 Page 5, reset in roman lines 9 through 10.

- 1 Page 5, line 13, delete "(b)" and insert "(c)".
- 2 Page 5, line 15, reset in roman "(d)".
- 3 Page 5, line 15, delete "(c)".
- 4 Page 7, line 8, strike "and financial".
- 5 Page 7, line 8, after "report" insert "**and audit**".
- 6 Page 7, line 9, strike "this" and insert "**the**".
- 7 Page 7, line 9, after "report" insert "**and audit**".
- 8 Page 7, line 9, delete "." and insert "**of the department of**
- 9 **agriculture.**".
- 10 Page 7, between lines 18 and 19, begin a new line block indented
- 11 and insert:
- 12 **"(11) Keep accurate accounts of all receipts and**
- 13 **disbursements of funds handled by the council and have the**
- 14 **receipts and disbursements audited annually by a qualified**
- 15 **public accountant."**
- 16 Page 7, line 19, delete "(11)" and insert "(12)".
- 17 Page 7, line 30, delete "." and insert "**or at the request of**
- 18 **two-thirds (2/3) of the members of the council."**
- 19 Page 8, between lines 29 and 30, begin a new paragraph and insert:
- 20 "SECTION 19. IC 15-4-10-24.6 IS ADDED TO THE INDIANA
- 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2007]: **Sec. 24.6. (a) An amount not to exceed**
- 23 **thirty percent (30%) of the money collected by the Indiana corn**
- 24 **marketing council under section 26 of this chapter may be used to**
- 25 **provide economic development incentive grants recommended by**
- 26 **the department of agriculture and the Indiana economic**
- 27 **development corporation to businesses that use corn. A grant made**
- 28 **under this section must be approved by a majority of the members**
- 29 **of the council.**
- 30 **(b) The council may choose to spend money for economic**
- 31 **development grants in addition to the money used for economic**
- 32 **development under subsection (a)."**
- 33 Page 9, line 12, reset in roman "cent (\$0.005)".
- 34 Page 9, line 12, delete "of one percent (0.5%) of the net market
- 35 price".
- 36 Page 11, between lines 9 and 10, begin a new paragraph and insert:
- 37 **"(c) The council may periodically audit a first purchaser's**
- 38 **checkoff assessment and remittance records as kept under**
- 39 **subsection (a). An audit must be conducted by a qualified public**
- 40 **accountant of the council's choosing, and the costs of the audit shall**
- 41 **be paid by the council."**
- 42 Page 12, delete lines 28 through 42, begin a new paragraph and

1 insert:

2 "SECTION 26. IC 15-4-10-33 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: **Sec. 33. (a) On August 1, 2011, and**
5 **not later than every five (5) years thereafter, the director of the**
6 **department of agriculture shall conduct a referendum among corn**
7 **producers who, during a period determined by the director of the**
8 **department of agriculture, have been engaged in the production of**
9 **corn. The purpose of the referendum is to determine whether the**
10 **corn check off program should be continued or discontinued. The**
11 **director of the department of agriculture shall develop criteria for**
12 **the conduct of referenda.**

13 (b) The director shall, to the extent practicable, provide broad
14 public notice in advance of any referendum. Notice shall be given
15 by means determined appropriate by the director of the
16 department of agriculture.

17 (c) The director of the department of agriculture shall report
18 the results of the referendum to the legislative council. The report
19 must be in an electronic format under IC 5-14-6. If a majority of
20 the producers voting in the referendum want the program to be
21 discontinued, the director of the department of agriculture shall
22 request that the legislative council have legislation prepared to
23 repeal the corn market law.

24 (d) The director of the department of agriculture must be
25 reimbursed from the Indiana corn market development account
26 for any expenses incurred in connection with the conduct of a
27 referendum.

28 (e) A referendum shall be conducted for a reasonable period
29 established by the director of the department of agriculture, not to
30 exceed three (3) days, under a procedure whereby a producer
31 intending to vote in the referendum must certify that the producer
32 was engaged in the production of corn during the period
33 established by the director of the department of agriculture.

34 (f) Referenda shall be conducted at county extension offices. The
35 director of the department of agriculture shall make provisions for
36 absentee mail ballots to be provided on request. Absentee mail
37 ballots shall be furnished by the director of the department of
38 agriculture on request made in person, by mail, or by telephone."

39 Delete page 13.

40 Renumber all SECTIONS consecutively.

(Reference is to SB 158 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 1.

Senator Ford, Chairperson